

CLOSED,JURY

**U.S. District Court  
Northern District of Texas (Dallas)  
CIVIL DOCKET FOR CASE #: 3:11-cv-03229-F**

Brickman v. United States Department of Agriculture et al  
Assigned to: Judge Royal Furgeson  
Cause: 05:552 Freedom of Information Act

Date Filed: 11/21/2011  
Date Terminated: 05/01/2013  
Jury Demand: Plaintiff  
Nature of Suit: 895 Freedom of  
Information Act  
Jurisdiction: U.S. Government Defendant

**Plaintiff**

**James R Brickman**

represented by **Christopher K Stobaugh**  
Snell Wylie & Tibbals  
8150 N Central Expressway  
Suite 1800  
Dallas, TX 75206  
214/691-2500  
Fax: 214/691-2501  
Email: [cstobaugh@snellwylie.com](mailto:cstobaugh@snellwylie.com)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**  
*Bar Status: Admitted/In Good Standing*

**Andrew Counts**  
The TRACY Firm  
5473 Blair Road  
Suite 200  
Dallas, TX 75231  
214/324-9000  
Fax: 972/387-2205  
Email: [acounts@vehiclesafetyfirm.com](mailto:acounts@vehiclesafetyfirm.com)  
**ATTORNEY TO BE NOTICED**  
*Bar Status: Admitted/In Good Standing*

**John H Carney**  
John H Carney & Associates  
5005 Greenville Avenue, Ste 200  
Dallas, TX 75206  
214-368-8300  
Fax: 214-363-9979  
Email: [jcarney@johnhcarney.com](mailto:jcarney@johnhcarney.com)  
**TERMINATED: 09/15/2012**  
*Bar Status: Admitted/In Good Standing*

V.

**Defendant**

**United States Department of  
Agriculture**

represented by **Lynette S Wilson-DOJ**  
US Attorney's Office  
1100 Commerce St  
Suite 300  
Dallas, TX 75242  
214/659-8611  
Fax: 214/767-2916  
Email: [lynette.wilson@usdoj.gov](mailto:lynette.wilson@usdoj.gov)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**  
*Bar Status: Admitted/In Good Standing*

**Defendant**

**United States Department of  
Agriculture–Office of Inspector  
General**

represented by **Lynette S Wilson–DOJ**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**  
*Bar Status: Admitted/In Good Standing*

Date Filed	#	Docket Text
11/21/2011	<u>1</u>	COMPLAINT WITH JURY DEMAND against United States Department of Agriculture, United States Department of Agriculture–Office of Inspector General filed by James R Brickman. Clerk to issue summons(es) for federal defendant(s). In each Notice of Electronic Filing, the judge assignment is indicated, and a link to the <u>Judges Copy Requirements</u> is provided. The court reminds the filer that any required copy of this and future documents must be delivered to the judge, in the manner prescribed, within three business days of filing. (Filing fee \$350; Receipt number 0539–4252508) Unless exempted, attorneys who are not admitted to practice in the Northern District of Texas should seek admission promptly. Forms, instructions, and exemption information may be found at <a href="http://www.txnd.uscourts.gov">www.txnd.uscourts.gov</a> , or by clicking here: <u>Attorney Information – Bar Membership</u> (Attachments: # <u>1</u> Exhibit(s)) (Carney, John) (Entered: 11/21/2011)
11/21/2011	<u>2</u>	New Case Notes: A filing fee has been paid. Magistrate Judge Toliver preliminarily assigned. File to Judge Furgeson. Pursuant to Misc. Order 6, Plaintiff is provided the Notice of Right to Consent to Proceed Before A U.S. Magistrate Judge. Clerk to provide copy to plaintiff if not received electronically. (svc) (Entered: 11/22/2011)
11/22/2011	<u>3</u>	Summons issued as to United States Department of Agriculture, United States Department of Agriculture–Office of Inspector General, U.S. Attorney, and U.S. Attorney General. (svc) (Entered: 11/22/2011)
12/21/2011	<u>4</u>	Joint STIPULATION of <i>Enlargement of Time for Response</i> by James R Brickman, United States Department of Agriculture, United States Department of Agriculture–Office of Inspector General. (Wilson – DOJ, Lynette) (Entered: 12/21/2011)
12/21/2011	<u>5</u>	NOTICE of Attorney Appearance by Lynette S Wilson – DOJ on behalf of United States Department of Agriculture, United States Department of Agriculture–Office of Inspector General. (Wilson – DOJ, Lynette) (Entered: 12/21/2011)
12/29/2011	<u>6</u>	AFFIDAVIT of Service for Summons in Civil Action served on Secretary of Agriculture– Tom Vilsack on 12/05/2011. (Carney, John) (Entered: 12/29/2011)
12/29/2011	<u>7</u>	AFFIDAVIT of Service for Summons in Civil Action served on Inspector General of the US Dept. of Agriculture– Phyllis K Fong on 12/05/2011. (Carney, John) (Entered: 12/29/2011)
12/29/2011	<u>8</u>	AFFIDAVIT of Service for Summons in Civil Action served on United States Dept. of Agriculture– Civil Process Clerk on 12/01/2011. (Carney, John) (Entered: 12/29/2011)
12/29/2011	<u>9</u>	AFFIDAVIT of Service for Summons in a Civil Action served on US Dept. Agriculture– Office of Inspector General– Civil Process Clerk on 12/01/2011. (Carney, John) (Entered: 12/29/2011)
12/29/2011	<u>10</u>	AFFIDAVIT of Service for Summons in a Civil Action served on US Dept. Agriculture– Eric H Holder Jr. on 12/05/2011. (Carney, John) (Entered: 12/29/2011)
12/29/2011	<u>11</u>	AFFIDAVIT of Service for Summons in a Civil Action served on US Dept. of Agriculture– Office of Inspector General– Eric H Holder Jr. on 12/05/2011. (Carney, John) (Entered: 12/29/2011)
12/29/2011	<u>12</u>	CERTIFICATE OF INTERESTED PERSONS/DISCLOSURE STATEMENT by James R Brickman. (Carney, John) (Entered: 12/29/2011)

01/17/2012	<u>13</u>	<i>Defendants' Original ANSWER to <u>1</u> Complaint</i> ,,,, filed by United States Department of Agriculture, United States Department of Agriculture–Office of Inspector General. Unless exempted, attorneys who are not admitted to practice in the Northern District of Texas should seek admission promptly. Forms and Instructions found at <a href="http://www.txnd.uscourts.gov">www.txnd.uscourts.gov</a> , or by clicking here: <a href="#">Attorney Information – Bar Membership</a> . (Wilson–DOJ, Lynette) (Entered: 01/17/2012)
01/17/2012	<u>14</u>	CERTIFICATE OF INTERESTED PERSONS/DISCLOSURE STATEMENT by United States Department of Agriculture, United States Department of Agriculture–Office of Inspector General. (Wilson–DOJ, Lynette) (Entered: 01/17/2012)
01/18/2012	<u>15</u>	Order for Scheduling Order Proposal: The Court ORDERS that the parties confer with each other as required by Fed. R. Civ. P. 26(f) and Civil L.R. 16, and that the parties submit a proposed scheduling order for the Court's consideration by February 21, 2012. (Ordered by Judge Royal Furgeson on 1/18/2012) (Judge Royal Furgeson) (Entered: 01/18/2012)
01/18/2012		Hearing/Deadline Modification: Deadlines/hearings set per <u>15</u> Order for Scheduling Order Proposal. Proposed Scheduling Order due by 2/21/2012. (ykp) (Entered: 01/18/2012)
02/21/2012	<u>16</u>	Proposal for contents of scheduling and discovery order by United States Department of Agriculture, United States Department of Agriculture–Office of Inspector General. (Wilson–DOJ, Lynette) (Entered: 02/21/2012)
02/23/2012	<u>17</u>	Notice of Correction of Signature Omission, correcting signature omission in <u>16</u> Proposed Scheduling and Discovery Order filed by United States Department of Agriculture, United States Department of Agriculture–Office of Inspector General. (Wilson–DOJ, Lynette) (Entered: 02/23/2012)
03/13/2012	<u>18</u>	SCHEDULING ORDER: Joinder of Parties due by 7/9/2012. Motions due by 10/15/2012. Jury Trial set for 12/10/2012 09:00 AM in US Courthouse, Courtroom 1310, 1100 Commerce St., Dallas, TX 75242–1310 before Judge Royal Furgeson. (Ordered by Judge Royal Furgeson on 3/13/2012) (Judge Royal Furgeson) (Entered: 03/13/2012)
03/13/2012		Hearing/Deadline Modification: Amended Pleadings due by 7/9/2012. Deadline set per <u>18</u> Scheduling Order. (twd) (Entered: 03/13/2012)
06/05/2012	<u>19</u>	MOTION prohibiting contact filed by United States Department of Agriculture, United States Department of Agriculture–Office of Inspector General with Brief/Memorandum in Support. (Attachments: # <u>1</u> Exhibit(s)) (Wilson–DOJ, Lynette) (Entered: 06/05/2012)
06/26/2012	<u>20</u>	RESPONSE AND OBJECTION filed by James R Brickman re: <u>19</u> MOTION prohibiting contact (Carney, John) (Entered: 06/26/2012)
07/11/2012	21	ELECTRONIC ORDER: It is hereby ORDERED that the above entitled and numbered case is set for hearing on the motion for miscellaneous relief <u>19</u> on Thursday, July 19, 2012 at 10:00 am in Courtroom 1310. (Ordered by Judge Royal Furgeson on 7/11/2012) (Judge Royal Furgeson) (Entered: 07/11/2012)
07/19/2012		ELECTRONIC Minute Entry for proceedings held before Judge Royal Furgeson: Hearing held on 7/19/2012 on defendant's motion to prohibit contact. Attorney Appearances: Plaintiff – John Carney; Defense – Lynette Wilson. (Court Reporter: Cass Casey) (No exhibits) Time in Court – :25. (chmb) (Entered: 07/19/2012)
07/19/2012	<u>22</u>	ORDER granting <u>19</u> Motion (Ordered by Judge Royal Furgeson on 7/19/2012) (Judge Royal Furgeson) (Entered: 07/19/2012)
09/14/2012	<u>23</u>	MOTION to Withdraw as Attorney filed by James R Brickman (Attachments: # <u>1</u> Proposed Order) (Carney, John) (Entered: 09/14/2012)
09/15/2012	24	ELECTRONIC ORDER granting <u>23</u> Motion to Withdraw as Attorney. Attorney John H Carney terminated. Christopher K. Stobaugh is substituted as attorney in charge for James R. Brickman. (Ordered by Judge Royal Furgeson on 9/15/2012) (Judge Royal Furgeson) (Entered: 09/15/2012)

09/17/2012		***Clerk's Notice of delivery: (see NEF for details) Docket No:24. Mon Sep 17 09:52:07 CDT 2012 (crt) (Entered: 09/17/2012)
09/19/2012	<u>25</u>	MOTION to Extend Time to File Dispositive Motions filed by United States Department of Agriculture, United States Department of Agriculture–Office of Inspector General with Brief/Memorandum in Support. (Attachments: # <u>1</u> Declaration(s)) (Wilson–DOJ, Lynette) (Entered: 09/19/2012)
09/19/2012	26	ELECTRONIC ORDER: IT IS ORDERED that Plaintiff respond to the motion for extension of time <u>25</u> no later than Wednesday, September 26, 2012. (Ordered by Judge Royal Furgeson on 9/19/2012) (Judge Royal Furgeson) (Entered: 09/19/2012)
09/26/2012	<u>27</u>	RESPONSE filed by James R Brickman re: <u>25</u> MOTION to Extend Time to File Dispositive Motions (Attachments: # <u>1</u> Exhibit(s) A–M) (Stobaugh, Christopher) (Entered: 09/26/2012)
10/10/2012	<u>28</u>	REPLY filed by United States Department of Agriculture, United States Department of Agriculture–Office of Inspector General re: <u>25</u> MOTION to Extend Time to File Dispositive Motions (Wilson–DOJ, Lynette) (Entered: 10/10/2012)
10/16/2012	<u>29</u>	ORDER granting <u>25</u> Motion to Extend Time. Motions due by 12/17/2012. (Ordered by Judge Royal Furgeson on 10/16/2012) (Judge Royal Furgeson) (Entered: 10/16/2012)
10/16/2012	30	ELECTRONIC Order for Scheduling Order Proposal: In light of the extension of time to file dispositive motions, the parties are ORDERED to submit a proposed scheduling order on or before November 6, 2012. (Ordered by Judge Royal Furgeson on 10/16/2012) (Judge Royal Furgeson) (Entered: 10/16/2012)
11/06/2012	<u>31</u>	***PROPOSED ORDER***Proposal for contents of scheduling and discovery order by United States Department of Agriculture, United States Department of Agriculture–Office of Inspector General. (Wilson–DOJ, Lynette) Modified on 11/7/2012 (skt). (Entered: 11/06/2012)
11/07/2012	<u>32</u>	AMENDED SCHEDULING ORDER: Motions due by 12/17/2012. Jury Trial set for 5/6/2013 09:00 AM in US Courthouse, Courtroom 1310, 1100 Commerce St., Dallas, TX 75242–1310 before Judge Royal Furgeson. (Ordered by Judge Royal Furgeson on 11/7/2012) (Judge Royal Furgeson) (Entered: 11/07/2012)
11/07/2012	33	***DISREGARD PER 34 ELECTRONIC ORDER***ELECTRONIC ORDER: IT IS ORDERED that the depositions of Lee M. Bass and Joel Glenn are STAYED until further order of the Court. The emergency motion for protective order <u>27</u> is set for hearing on Wednesday, November 21, 2012 at 10:00 am in Courtroom 1310. A Response to the pending motion is due on or before November 15, 2012. (Ordered by Judge Royal Furgeson on 11/7/2012) (Judge Royal Furgeson) (Entered: 11/07/2012)
11/07/2012	34	ELECTRONIC ORDER: ***DISREGARD 33 PER CHAMBERS*** (Ordered by Judge Royal Furgeson on 11/7/2012) (Judge Royal Furgeson) (Entered: 11/07/2012)
12/11/2012	<u>35</u>	Agreed MOTION to Extend Time filed by James R Brickman, United States Department of Agriculture, United States Department of Agriculture–Office of Inspector General with Brief/Memorandum in Support. (Wilson–DOJ, Lynette) (Entered: 12/11/2012)
12/11/2012	36	ELECTRONIC ORDER granting <u>35</u> Motion to Extend Time. Dispositive motions are due December 31, 2012. Motions due by 12/31/2012. (Ordered by Judge Royal Furgeson on 12/11/2012) (Judge Royal Furgeson) (Entered: 12/11/2012)
12/31/2012	<u>37</u>	MOTION for Summary Judgment filed by United States Department of Agriculture with Brief/Memorandum in Support. (Wilson–DOJ, Lynette) (Entered: 12/31/2012)
12/31/2012	<u>38</u>	Appendix in Support filed by United States Department of Agriculture–Office of Inspector General re <u>37</u> MOTION for Summary Judgment <i>and Brief in Support</i> (Wilson–DOJ, Lynette) (Entered: 12/31/2012)

12/31/2012	<u>39</u>	MOTION for Summary Judgment filed by United States Department of Agriculture–Office of Inspector General with Brief/Memorandum in Support. (Wilson–DOJ, Lynette) (Entered: 12/31/2012)
12/31/2012	<u>40</u>	Appendix in Support filed by United States Department of Agriculture–Office of Inspector General re <u>39</u> MOTION for Summary Judgment <i>and Brief in Support</i> (Wilson–DOJ, Lynette) (Entered: 12/31/2012)
01/11/2013	<u>41</u>	NOTICE of <i>Regarding</i> re: <u>40</u> Appendix in Support, <u>39</u> MOTION for Summary Judgment filed by United States Department of Agriculture–Office of Inspector General (Wilson–DOJ, Lynette) (Entered: 01/11/2013)
01/18/2013	<u>42</u>	Agreed MOTION to Extend Time to File Response filed by James R Brickman (Stobaugh, Christopher) (Entered: 01/18/2013)
01/18/2013	43	ELECTRONIC ORDER granting <u>42</u> Motion to Extend Time. The deadling for Plaintiff to respond to Defendants' dispositive motions is extended to January 29, 2013. Responses due by 1/29/2013 (Ordered by Judge Royal Furgeson on 1/18/2013) (Judge Royal Furgeson) (Entered: 01/18/2013)
01/29/2013	<u>44</u>	MOTION for Extension of Time to File Response/Reply re: <u>37</u> MOTION for Summary Judgment , <u>39</u> MOTION for Summary Judgment filed by James R Brickman (Stobaugh, Christopher) (Entered: 01/29/2013)
01/29/2013	45	ELECTRONIC ORDER granting <u>44</u> Motion to Extend Time to File Response/Reply. Responses due by 2/5/2013 (Ordered by Judge Royal Furgeson on 1/29/2013) (Judge Royal Furgeson) (Entered: 01/29/2013)
02/05/2013	<u>46</u>	RESPONSE filed by James R Brickman re: <u>39</u> MOTION for Summary Judgment (Stobaugh, Christopher) (Entered: 02/05/2013)
02/05/2013	<u>47</u>	Appendix in Support filed by James R Brickman re <u>46</u> Response/Objection (Attachments: # <u>1</u> Additional Page(s)) (Stobaugh, Christopher) (Entered: 02/05/2013)
02/05/2013	<u>48</u>	Designation of Experts by James R Brickman. (Stobaugh, Christopher) (Entered: 02/05/2013)
02/05/2013	<u>49</u>	RESPONSE filed by James R Brickman re: <u>37</u> MOTION for Summary Judgment (Stobaugh, Christopher) (Entered: 02/05/2013)
02/05/2013	<u>50</u>	Appendix in Support filed by James R Brickman re <u>49</u> Response/Objection <i>to Motion for Summary Judgment</i> (Attachments: # <u>1</u> Additional Page(s)) (Stobaugh, Christopher) (Entered: 02/05/2013)
02/05/2013	<u>51</u>	OBJECTION filed by James R Brickman re: <u>40</u> Appendix in Support, <u>39</u> MOTION for Summary Judgment (Stobaugh, Christopher) (Entered: 02/05/2013)
02/05/2013	<u>52</u>	OBJECTION filed by James R Brickman re: <u>37</u> MOTION for Summary Judgment , <u>38</u> Appendix in Support (Stobaugh, Christopher) (Entered: 02/05/2013)
02/07/2013	<u>53</u>	Unopposed MOTION for Leave to File Brief in Excess of Page Limits filed by James R Brickman with Brief/Memorandum in Support. (Stobaugh, Christopher) (Entered: 02/07/2013)
02/07/2013	54	ELECTRONIC ORDER granting <u>53</u> Motion for Leave to File. (Ordered by Judge Royal Furgeson on 2/7/2013) (Judge Royal Furgeson) (Entered: 02/07/2013)
02/13/2013	<u>55</u>	<i>Unopposed</i> MOTION for Extension of Time to File Response/Reply filed by United States Department of Agriculture, United States Department of Agriculture–Office of Inspector General with Brief/Memorandum in Support. (Wilson–DOJ, Lynette) (Entered: 02/13/2013)
02/13/2013	56	ELECTRONIC ORDER granting <u>55</u> Motion to Extend Time to File Response/Reply. Replies due by 3/5/2013. Defendants have until March 5, 2013 to file their reply briefs in support of their respective Motions for Summary Judgment. (Ordered by Judge Royal Furgeson on 2/13/2013) (Judge Royal Furgeson) (Entered: 02/13/2013)



03/04/2013	<u>57</u>	Agreed MOTION to Extend Time filed by United States Department of Agriculture, United States Department of Agriculture–Office of Inspector General (Wilson–DOJ, Lynette) (Entered: 03/04/2013)
03/04/2013	58	ELECTRONIC ORDER granting <u>57</u> Motion to Extend Time. Defendants have until March 13, 2013 to file their reply briefs in support of their respective Motions for Summary Judgment. Replies due by 3/13/2013. (Ordered by Judge Royal Furgeson on 3/4/2013) (Judge Royal Furgeson) (Entered: 03/04/2013)
03/13/2013	<u>59</u>	<i>Second Joint</i> MOTION for Extension of Time to File Response/Reply filed by James R Brickman, United States Department of Agriculture, United States Department of Agriculture–Office of Inspector General (Wilson–DOJ, Lynette) (Entered: 03/13/2013)
03/13/2013	60	ELECTRONIC ORDER granting <u>59</u> Motion to Extend Time to File Response/Reply. Replies due by 4/1/2013. The Court GRANTS an extension of time until April 1, 2013 for Defendants to file their reply brief or for the parties to otherwise notify the Court that a resolution has been reached. (Ordered by Judge Royal Furgeson on 3/13/2013) (Judge Royal Furgeson) (Entered: 03/13/2013)
03/13/2013	61	ELECTRONIC ORDER: IT IS ORDERED that the May 6, 2013 trial setting is VACATED until further order by the Court. (Ordered by Judge Royal Furgeson on 3/13/2013) (Judge Royal Furgeson) (Entered: 03/13/2013)
04/01/2013	<u>62</u>	REPLY filed by United States Department of Agriculture–Office of Inspector General re: <u>46</u> Response/Objection, <u>39</u> MOTION for Summary Judgment (Attachments: # <u>1</u> Declaration(s)) (Wilson–DOJ, Lynette) Modified on 4/1/2013 (ykp). (Entered: 04/01/2013)
04/01/2013	<u>63</u>	RESPONSE filed by United States Department of Agriculture–Office of Inspector General re: <u>51</u> Response/Objection (Wilson–DOJ, Lynette) Modified on 4/1/2013 (ykp). (Entered: 04/01/2013)
04/01/2013	<u>64</u>	REPLY filed by United States Department of Agriculture re: <u>37</u> MOTION for Summary Judgment , <u>49</u> Response/Objection (Attachments: # <u>1</u> Exhibit(s) A, # <u>2</u> Exhibit(s) B, # <u>3</u> Exhibit(s) C, # <u>4</u> Exhibit(s) D, # <u>5</u> Exhibit(s) E, # <u>6</u> Exhibit(s) F, # <u>7</u> Exhibit(s) G, # <u>8</u> Exhibit(s) H, # <u>9</u> Exhibit(s) I, # <u>10</u> Exhibit(s) I Attachments, # <u>11</u> Exhibit(s) J, # <u>12</u> Exhibit(s) K) (Wilson–DOJ, Lynette) (Entered: 04/01/2013)
04/08/2013	65	ELECTRONIC STATUS REPORT ORDER: IT IS ORDERED that the parties update the Court on the status of the pending motions namely, whether the parties anticipate that a hearing will be necessary on or before April 15, 2013. Status Report due by 4/15/2013. (Ordered by Judge Royal Furgeson on 4/8/2013) (Judge Royal Furgeson) (Entered: 04/08/2013)
04/15/2013	<u>66</u>	NOTICE of <i>Status of Settlement</i> filed by James R Brickman, United States Department of Agriculture, United States Department of Agriculture–Office of Inspector General (Wilson–DOJ, Lynette) (Entered: 04/15/2013)
04/15/2013	67	ELECTRONIC ORDER: The Court has been informed that the parties have reached a settlement in principal and that they anticipate filing a Stipulation of Dismissal in the coming weeks. IT IS ORDERED that dismissal papers be submitted on or before May 3, 2013. All pending motions are denied as MOOT and all other scheduling matters are VACATED. (Ordered by Judge Royal Furgeson on 4/15/2013) (Judge Royal Furgeson) (Entered: 04/15/2013)
04/15/2013	68	ELECTRONIC ORDER finding as moot <u>37</u> Motion for Summary Judgment per Doc. No. 67 . (Ordered by Judge Royal Furgeson on 4/15/2013) (Judge Royal Furgeson) (Entered: 04/15/2013)
04/15/2013	69	ELECTRONIC ORDER finding as moot <u>39</u> Motion for Summary Judgment per Doc. No. 67 . (Ordered by Judge Royal Furgeson on 4/15/2013) (Judge Royal Furgeson) (Entered: 04/15/2013)
05/01/2013	<u>70</u>	STIPULATION OF DISMISSAL by United States Department of Agriculture, United States Department of Agriculture–Office of Inspector General. (Wilson–DOJ, Lynette) (Entered: 05/01/2013)

05/01/2013		***Civil Case Terminated per <u>70</u> STIPULATION OF DISMISSAL. (tla) (Entered: 05/01/2013)
------------	--	--